

## **Remarks**

In the present response, no claims are amended. Claims 1-16 are presented for examination.

### **I. Objection to Drawings**

The Office Action objects to the drawings “because Fig 4 has incorrect arrow.” Applicants respectfully traverse.

Applicants respectfully submit that FIG. 4 has correct arrows. An arrow (indicated with a circled A) points between blocks 64 and 65. This arrow shows a continuation from block 75 (also shown with a circled A).

Applicants submit formal drawings with this response. No amendments to the drawings are made, and no new matter is presented.

### **II. Claims Rejection: 35 USC § 112, First Paragraph**

Claims 4-7, 10-13, and 16 are rejected under 35 U.S.C. §112, first paragraph. The Office Actions states:

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 4,10, and 16 contains “Marshaling algorithm”, “digest”, and “cryptographic hash” and claim 5,11 and 16 contains “un-marshall” which is not described in the specification.

Applicants respectfully traverse this rejection, because the Examiner has failed to sufficiently establish that these claims are not enabled and because these claims are, in fact, enabled. The Federal Circuit has consistently held that the “PTO bears the initial burden of setting forth a reasonable explanation as to why it believes that the scope of protection provided by that claim is not adequately enabled by the description of the invention provide in the specification of the application.” *In re Wright*, 27 U.S.P.Q. 2d

1510, 1513 (Fed. Cir. 1993). Moreover, the M.P.E.P. requires that a rejection for non-enablement should articulate and support “factors, reasons, and evidence that lead the examiner to conclude that the specification fails to teach how to make and use the claimed invention without undue experimentation, or that the scope of any enablement provided to one skilled in the art is not commensurate with the scope of protection sought by the claims.” M.P.E.P § 2164.04 (emphasis in original).

Furthermore, the Federal Circuit has repeatedly addressed the issue of sufficiency of disclosure, and that Court’s precedent controls in these issues. The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916) in terms of the degree of experimentation needed to practice the claimed invention, and whether this degree of experimentation is undue or unreasonable. The Federal Circuit continues to employ this same standard. *In re Wands*, 8 U.S.P.Q.2d 1400, 1404 (Fed. Cir. 1998). A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 18 U.S.P.Q.2d 1331, 1332 (Fed. Cir. 1991). Moreover, it has long been settled that so long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claims, the enablement requirement under 35 U.S.C. § 112 is satisfied. *In re Fisher*, 166 U.S.P.Q. 18, 24 (CCPA 1970).

Additionally, although the Examiner may take exception to the terms used in the claims, he is reminded that the patentee may be his own lexicographer. *Ellipse Corp. v. Ford Motor Co.*, 171 U.S.P.Q. 513 (7<sup>th</sup> Cir. 1971), *aff’d*, 613 F.2d 775 (7<sup>th</sup> Cir. 1979), *cert. denied*, 446 U.S. 939 (1980). Thus, Applicants respectfully assert that a claim cannot be deemed non-enabling simply because the Examiner does not agree with Applicants’ choice of claim terminology. Rather, the inquiry that must be conducted is “whether the specification disclosure as a whole is such as to enable one skilled in the art to make and use the claimed invention.” *In re Moore and Janoski*, 169 U.S.P.Q. 236, 239 (C.C.P.A. 1971).

With respect to the current rejection, Applicants respectfully assert that the Examiner has failed to establish how the presently claimed subject matter is not enabled. Respectfully, Applicants assert that the Examiner’s conclusory statements are not

sufficient to support, let alone demonstrate, why the claimed subject matter of the rejected claims is not enabled.

To assist the Examiner in examination of the present application and as evidence of enablement of the present claims, Applicants provide the following quotations of various sections of the present application. These sections are provided as mere examples in the specification to illustrate enablement. Numerous other examples in the specification exist, and the examples are not provided to limit the scope of any claim.

Applicants respectfully reproduce portions of the specification in connection with FIG. 6. This portion of the specification provides enablement for at least the following terms: marshaling algorithm, digest, cryptographic hash, and un-marshall.

FIG. 6 shows in flow chart diagram form the steps of the state reference generation sub-routine referred to in FIG. 5. As can be seen from FIG. 6, the process starts at the step 90. At the step 91, the session state information is received from the requesting application server. At the step 92, the manager 56 generates the state reference that is unique to the session state information provided. In one embodiment, the manager 56 generates the unique state reference by mapping the data structure of the session state information to a sequence of bytes using a marshaling algorithm. This sequence is referred to as the source sequence. The marshaling algorithm employed can be any such algorithm that is known and commercially available. The marshaling algorithm should have the property that can map the sequence of bytes into a replica of the data structure representing the session state information without losing any information.

Then the source sequence is mapped to a digest using a cryptographic hash algorithm. The digest is a short sequence of bytes of fixed length. The cryptographic hash algorithm has the probabilistic property of not generating the same digest for two different source sequences. The cryptographic hash algorithm can

be any known cryptographic hash algorithm.

Then the digest is mapped to the character string using an encoding algorithm, thus forming the state reference. Many known encoding algorithms can be used to perform the job. One encoding algorithm maps each byte in the digest to its hexadecimal representation, and creates the resulting character string.

Then the manager 56 sends the generated state reference to the requesting application server at the step 93. Then the manager 56 stores the session state information in the store 57 at the step 94. A garbage collection operation may also be performed to garbage collect expired session state information. The process then ends at the step 95. (See page 16, line 11 to page 17, line 12).

Further, Applicants submit that the claims and specification use the noted terms in their plain meaning. Each of these terms has a customary and ordinary meaning as known by one of ordinary skill in the art.

In view of the foregoing, Applicants respectfully assert that the rejected claims are enabled and in condition for allowance. Respectfully, Applicants request reconsideration and allowance of the claims and, furthermore, request withdrawal of the rejection under Section 112, first paragraph.

### **III. Claims Rejection: 35 USC § 112, Second Paragraph**

Claims 4-7, 10-13, and 16 are rejected under 35 U.S.C. §112, second paragraph. The Office Action states:

Claim 4,10, and 16 recites 3 algorithms but is it not specified which of these 3 algorithms is used to generate the state. Note that applicant's disclosure, page 9, lines 19-24, merely recites the 3 algorithms, but does not provide any specification as to how they are used.

Applicants respectfully traverse. As noted above in Section II (see, for example, page 16, line 11 to page 17, line 12), the three algorithms are enabled and clearly supported in the specification.

Further, 35 USC § 112, second paragraph, has two requirements: (1) the claims must set for the subject matter that applicants regard as their invention, and (2) the claims must particularly point out and distinctly define the meets and bounds (see MPEP 2171).

Applicants submit that the claims meet both of these requirements. If the Examiner disagrees, Applicants respectfully ask the Examiner to identify which requirement is not met and provide reasons for such a position.

#### **IV. Claim Rejections: 35 USC § 102**

Claims 1 – 3, 8, 9, 14, and 15 are rejected under 35 U.S.C. §102(e) as being anticipated by USPN 6,499,052 (Hoang). Applicants respectfully traverse.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Hoang neither teaches nor suggests each element in the rejected claims, these claims are allowable over Hoang.

#### **Claim 1**

Claim 1 recites numerous limitations that are not taught or suggested in Hoang. For example, claim 1 recites (emphasis added):

**a plurality of web servers**, each servicing any request  
received by the data service system;

**a plurality of application servers**, each processing any  
request directed from any one of the web servers.

No where does Hoang teach or suggest a plurality of web servers **and** a plurality of application servers. The Office Action cites col. 5, lines 1-5; this section is reproduced for convenience:

One of ordinary skill in the art would recognize many other variations, modifications, and alternatives. Client server network 100 has a user client 110, a network A 120, a remote merchant integration server (RMIS) 130, a network B 140, and remote merchant sites 152, 154, 156.

This section teaches a **single** server (RMIS 130). Plural web servers and application servers are not taught or suggested.

As another example, claim 1 recites numerous limitations regarding application servers and session state information. By way of example, some of these limitations are presented below (emphasis added):

a session state information managing system **called by each of the application servers to allow different application servers** to process requests belonging to a **single session** without requiring the requests to carry their entire session state information, wherein processing of each of the requests requires the session state information of that request.

For at least these reasons, claim 1 and all its dependent claims are allowable over Hoang.

#### **Claim 8**

Claim 8 recites numerous limitations that are not taught or suggested in Hoang. For example, claim 8 recites “plurality of duplicate application servers.” As noted above in connection with claim 1, Hoang teaches a **single** server (RMIS 130). Application servers are not taught or suggested in Hoang.

As another example, claim 8 recites numerous limitations regarding application servers and session state information. By way of example, some of these limitations are presented below (emphasis added):

a session state information manager called by any one of the **application servers** when that application server processes a request of a session to **(1) provide the session state information of the request to the application server and (2) generate a state reference for a new session state information** for that request after the application server has processed the request and generated the new session state information for that request.

For at least these reasons, claim 8 and all its dependent claims are allowable over Hoang.

#### **Claim 14**

Claim 14 recites numerous limitations not taught or suggested in Hoang. By way of example, claim 14 recites several limitations regarding application servers. Hoang teaches a **single** server (RMIS 130). Application servers are not taught or suggested in Hoang.

For at least these reasons, claim 14 and all its dependent claims are allowable over Hoang.

#### **V. Claim Rejections: 35 USC § 103**

Claims 4-7, 10-13, and 16 are rejected under 35 USC § 103(a) as being unpatentable over Hoang. Applicants respectfully traverse.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143.

Applicants assert that the rejection does not satisfy any of the criteria of MPEP § 2143. By way of example, as noted in Section IV in connection with claims 1, 8, 14, Hoang does not teach or suggest all of the claimed elements in claims 1, 8, and 14. Thus, for at least these reasons, claim 4-7, 10-13, and 16 are allowable over Hoang.



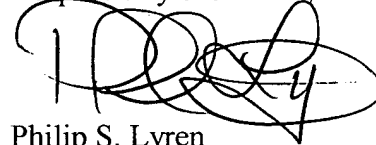
### CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5th day of April, 2005.

By

Name: Be Henry

